

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMPIRE COMMUNITY DEVELOPMENT, LLC,	:	
	:	
Plaintiff,	:	
	:	<u>MEMORANDUM & ORDER</u>
-against-	:	
	:	22-CV-2576 (ENV) (SJB)
MEH ANJUM; NEW YORK CITY	:	
ENVIROMENTAL CONTROL BOARD,	:	
	:	
Defendants.	x	

VITALIANO, D.J.

On May 5, 2022, plaintiff Empire Community Development, LLC (“Empire Community”) brought this diversity action against defendants Meh Anjum (“Anjum”) and the New York City Environmental Control Board (“ECB”) to foreclose a residential mortgage encumbering the property located at 89-07 Vanderveer Street, Queens Village, NY 11427. *See* Compl., Dkt. 1, ¶ 1. Because neither Anjum nor ECB have appeared or otherwise responded to the complaint, the Clerk of Court entered a certificate of default against both defendants on June 14, 2022. Dkt. 12. Three months later, Empire Community moved for default judgment. Dkt. 15. The motion was referred to Magistrate Judge Sanket J. Bulsara for a report and recommendation as to his findings. Oct. 3, 2022 Order.

On August 1, 2023, Judge Bulsara issued his report and recommendation (“R&R”), recommending that Empire Community’s motion for default judgment be granted. *See* R&R, Dkt. 17. No objections have been filed.

In reviewing a report and recommendation of a magistrate judge, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Further, a district judge is required to “determine de

novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see also Arista Records, LLC v. Doe 3*, 604 F.3d 110, 116 (2d Cir. 2010). "The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record." *Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014).

With no objections having been filed, the Court has carefully reviewed Judge Bulsara's report and recommendation and found it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts it in its entirety as the opinion of the Court.

Conclusion

Accordingly, plaintiff's motion is granted, and default judgment is entered against defendants. Plaintiff is awarded (1) \$138,960.91, the amount due under the loan documents that are the subject of this action as of August 29, 2022; (2) *per diem* pre-judgment interest of \$26.10, from August 29, 2022 until the date judgment is entered; (3) post-judgment interest at the statutory rate from the date judgment is entered until judgment is satisfied; and (4) sale and advertising expenses as certified by the referee. The Clerk of Court is further directed to enter the Proposed Judgment of Foreclosure and Sale, annexed hereto as Exhibit A, and close the case.

So Ordered.

Dated: Brooklyn, New York
September 25, 2023

/s/ Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge